

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

JAN 17 2005 11:45AM

Tracy A. Gress, Clerk
Casper

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

HITENDRA B. individually and as a parent)
and, next friend on behalf of Chanse B., and)
FALGUNI B., individually and as parent and)
next friend on behalf of Chanse B.,)
Plaintiff(s),)
vs.)
Case No. 04-CV-79-D

ACCOR NORTH AMERICA, INC., a
Delaware corporation, doing business as
MOTEL 6,

Defendant(s).

ORDER ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

This matter comes before the Court on Defendant's Motion for Summary Judgment. The Court, having reviewed the materials submitted in support and opposition, having heard oral argument, and being otherwise fully advised, hereby FINDS and ORDERS as follows:

The Court incorporates by reference its oral ruling issued during a telephone conference hearing on January 14, 2005. THEREFORE, it is hereby

ORDERED that Defendant's Motion for Summary Judgment is **GRANTED** with regard to the negligent infliction of emotional distress claim, intentional infliction of emotional distress claim, and the negligence claim as applied to the parents. It is further ordered that the Motion is **DENIED** with regard to the negligence claim as applied to the child.

DATED this 14 day of January, 2005.

William F. Keener

United States District Judge